

UNITED STATES DISTRICT COURT )  
SOUTHERN DISTRICT OF NEW YORK )  
 )  
 )  
RAFIQ A. SABIR ) 12 Civ. 8937 (LAP)  
 )  
 )  
v. ) 05 Cr. 673-2 (LAP)  
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 )  
UNITED STATES OF AMERICA )  
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HONORABLE LORETTA A. PRESKA

I, Rafiq A. Sabir, am pro se petitioner in §2255 motion filed  
30 November 2012 in the above captioned case.

Ground I of that motion involves ineffective assistance of counsel where defense counsel incorrectly and improperly advised me to sign a stipulation that translations of recorded conversations from arabic to english provided by FBI translators was accurate, where defense counsel did not understand arabic and failed to do necessary investigation by procuring an arabic language expert for the defense as I requested, in order to determine whether or not those translations were accurate. (Please keep in mind that at this time I was being held in solitary confinement and was in no position to regularly follow up or trained to or prepared to understand its importance.) Prejudice was shown because defense counsel knew from discussions with me that I did not say "al-Qaeda", as was alleged in the transcript provided to the jury.

MAR 25 2014

I asserted in my §2255 that defense counsel's negligence caused me to forfeit substantive rights due to his uninformed and erroneous advice. The exact substantive rights forfeited were ambiguous to me

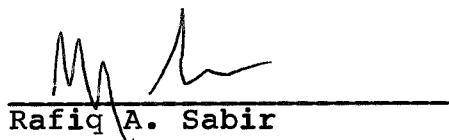
at the time, but I believed it referred to forfeiture of liberty due to conceding defeat as a result of the mistranslation. It has now become apparent that I also forfeited the right to confront the FBI translators.

The latter issue became crystalized in my mind after reading United States v. Charles, 722 F.3d 1319 (11th Cir. 2013), in which the court parsed out the admissibility of translations from confrontation issues. Clearly, as employees of the FBI the translators may be presumed to have had a bias in the case of the government by agreeing with FBI Agents Brian White and Ali Soufan that allegedly I said "al-Qaeda" in attempting to repeat a pledge given by Mr. Soufan. I vehemently disputed that in private consultation with defense counsel and throughout every pro se motion filed post-conviction. Clearly, I would have wanted to confront the FBI translators at trial regarding that had the Court admitted those transcripts without the stipulation.

In light of United States v. Charles and my sincere intention to include confrontation in my claim that my substantive rights were affected by defense counsel's poor performance, I ask the Court to consider this in ruling on the merits of this case.

Thank you.

Respectfully,



Rafiq A. Sabir

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

RAFIQ SAEIR

12 Civ. 8937 (LAP)

v.

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UNITED STATES OF AMERICA

CERTIFICATE OF SERVICE

I certify that, prior to 5:00 P.M. on Letter to The Court I placed in the United States Mail, in a properly-addressed envelope, with first class postage duly paid and affixed to the envelope, and with the envelope addressed to:

United States Attorney  
1 Saint Andrews Plaza  
New York, New York 10007-1701

I declare under penalty of perjury that all of the statements made in this "certificate of service" are true and correct and that if called to testify as a witness in this matter, I could and would competently testify to each of the facts set forth in the certificate.

This certificate was executed on 18 March 2014

at FCC Ashland

P.O. Box 6001

Ashland, Kentucky 41105

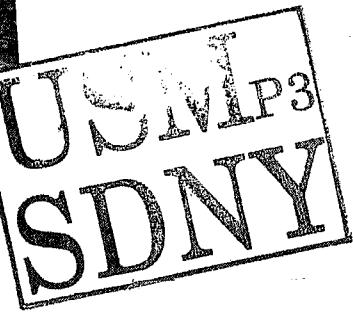
(signature) M. A.

(name) Rafiq Sabir

RAFIQ SABIR # 55312-066  
Federal Correctional Institution  
Post Office Box 6001  
Ashland, Kentucky 41105

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55312-066 → Southern District Of NY  
Clerk Of Court  
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NEW YORK, NY 10007-1312  
United States  
ATTORNEY

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